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REMARKS

Claims 1-3, 6, 8-12, 14, 17-22, 24-31, and 33-36 are pending in the Application. Claim 1 and 36 have been amended. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Observations

The Examiner has pointed out a typographical error in Claim 1 (N-tert-butyl/benzphthiazyl). Applicants have amended to correct the typographical error and appreciate the Examiner's attention to detail.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, 6, 8, 12, 14, 17-22, 25-27, and 33-36 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent 5,439,512 to Kamijima. Applicants respectfully traverse this rejection.

As summarized by the Examiner, Kamijima teaches a composition of an anti-fouling paint that uses acrylic rubber with DCHBSA. The Examiner has asserted that the paint reads on the instantly claimed sheet because once the paint is applied, particularly on a broad surface, it becomes a sheet. Applicants disagree.

As is well known, claim terms must be interpreted in light of the specification. Accordingly the term "sheet" must be interpreted in light of what the Specification teaches. The specification discloses and discusses vibration damping paint beginning on page 24 (line 13) and continuing to page 29 (line 5). In contrast the Specification teaches, beginning on page XX, a variety of sheets, none of which are a the result of a paint. Therefore Applicants assert, that in light of the Specification, paint and sheet are distinctly different and do not read on each other.

Claim 36 stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent 4,430,466 to Cooper (Cooper). Applicants respectfully traverse this rejection.

In making the rejection the Examiner has combined the teachings of Cooper with regard to mercaptoalkoxysilane and benzothiazyl sulfenamide to attain the claimed amounts. Applicants have amended Claim 36 to more distinctly claim the invention and believe that in light of this amendment the combination of mercaptoalkoxysilane and benzothiazyl sulfenamide

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can no longer be made to anticipate the claim. Reconsideration is respectfully requested. Additionally Applicants earnestly assert that this amendment merely changes the scope of an independent claim which is narrower in scope than Claim 1. Claim 1 has merely been amended to correct a typographical error. Thus the amendments to the claims do not present new issues for search.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 6, 8-12, 14, 17, 18, 19, 21, 22, 25, 26, 27, 29-31 and 33-36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Cooper in view of U.S. Patent 5,858,521 to Okuda et al (Okuda). Claim 24 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Cooper in view of Okuda and U.S. Patent No. 4,602,054 to Kang et al (Kang) or alternatively over Okuda in view of Kang. Claim 28 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Cooper in view of Okuda and U.S. Patent No. 4,218,349 to Minatono (Minatono) and Okuda in view of Minatono. Claims 1-3, 6, 8-12, 14, 17, 18, 19, 21, 22, 25, 26, 27, 29-31, and 33-35 stand rejected as allegedly unpatentable over Okuda. Applicants respectfully traverse these rejections.

Cooper discloses a sulfur curable conjugate diene rubber compound formulation containing a silica reinforcing filler and a coupling agent and a benzothiazyl sulfenamide accelerator. (Abstract) As stated by the Examiner Cooper fails to teach the claimed amount of benzothiazyl sulfenamide compounds.

The Examiner has cited Okuda for its teaching with regard to how the degree of vulcanization affects the physical properties of the rubber and how vulcanization is controlled "by the vulcanizing agents and accelerators" (Office Action page 4-5). The Examiner goes on to assert that it would have been obvious to a person of ordinary skill in the art to determine the amount of vulcanizing agents and accelerators to achieve the desired degree of vulcanization. Applicants earnestly disagree.

Okuda discusses, in Column 5, lines 10-35, the desired rubber viscosity of the viscoelastic layer composition before vulcanization and the modulus of dynamic shearing elasticity after vulcanization. Okuda further teaches that these physical properties can be adjusted by "the types and the added amounts of the above-mentioned vulcanizing agents,

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softening agents and fillers." Okuda does not teach or suggest that the physical properties can be modified by the amount of the vulcanization accelerator. Applicants respectfully remind the Examiner that benzothiazyl sulfenamide compounds such as DCHBSA are vulcanization accelerators, not vulcanization agents and Okuda does not teach or suggest modification of the amount of vulcanization accelerators to attain a particular physical properties.

Accordingly, Applicants assert that Okuda does not teach or suggest the instantly claimed amounts of benzothiazyl sulfenamide compounds.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Okuda does not rectify the deficiency Cooper and as a result a prima facie case of obviousness has not been established because not all elements of the claims have been disclosed.

With regard to the rejections that additionally employ Kang or Minatono Applicants respectfully assert, as explained in the previous amendment, that Kang and Minatono do not teach the claimed amount of benzothiazyl sulfenamide compounds and thus do not rectify the deficiency of Cooper and Okuda.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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